

THE GEORGE WASHINGTON UNIVERSITY
Washington, D. C.

MINUTES OF A REGULAR MEETING
OF THE FACULTY SENATE HELD ON
APRIL 10, 1987, IN LISNER HALL
ROOM 603

- 1 The meeting was called to order by Vice President French at 2:12 p.m.

Present: Vice President French, Registrar Gaglione, Parliamentarian Steinhardt, Berkovich, Birnbaum, Clark, Deering, East, Eldridge, Elgart, Fox, Garriss, Griffith, Hill, Kenney, Levy, Liebowitz, Loeser, Lovett, Morgan, Pierpont, Rashid, Robinson, Schiff, Schiller, Simons, A. Smith, Solomon, Tolchin, Wallace, and Ziolkowski

Absent: President Elliott, Barron, Kelly, Malone, Paratore, G. Smith, and Zubrow
- 2 The minutes of the regular meeting of March 13, 1987, were approved as distributed.
- 3 (a) On behalf of the Committee on University and Urban Affairs, Professor Wallace, Chair, moved the adoption of Resolution 86/12, "A Resolution to Establish the George Washington University Office for Service to the Community," and the motion was seconded. Professor Wallace said that this resolution was a logical extension of Resolution 86/5, recently adopted by the Senate, establishing the publication of Commitments, which documents the University's various services to the Washington D.C. metropolitan area. She said that, in order to carry out this community service, Resolution 86/12 asks for the establishment of an office for service to the community to provide not only a place, but also the means for these activities. Professor Wallace then yielded the floor to Professor Honey Nashman, a member of the Committee, who read a statement in support of the resolution (statement attached). A discussion followed by Professors Schiller, Wallace, and Levy. Professor Griffith spoke on behalf of Vice President Worth, who could not be present. He said that Vice President Worth was supportive of this resolution, but he wished to note that the location of such an office was a recommendation and not a formal part of the resolution, and he hoped that the administration might have some leeway with regard to the exact location of it. Professor Wallace responded that the location of the office proposed by the Committee was, indeed, only a recommendation; she noted

- 3 that Vice President Diehl was very supportive of this resolution also. The question was called, and Resolution 86/12 was adopted unanimously. (Resolution 86/12 is attached.)

(b) Before introduction of Resolution 86/13, Professor Griffith explained that the Executive Committee and the Co-Chairs of the Special Committee on Conflict of Interest agreed to bring this resolution, with the majority and minority reports, before the Senate at this time for the purpose of discussion only. Upon conclusion of the discussion, he said, the Executive Committee would move to refer the resolution and reports to the Professional Ethics and Academic Freedom Committee for review and recommendations, with a special request to consider the question of peer review and the question of the kinds of sanctions that might be applied because these important questions did not appear to be addressed. Professor Banzhaf distributed a memorandum to the Senate re: "How 'Conflict of Interest' Report Conflicts with Faculty Code" (memorandum attached).

On behalf of the Special Committee on Conflict of Interest, Professor Ziolkowski, Co-Chair, introduced Resolution 86/13, with accompanying Majority and Minority Reports, for formal discussion. Professor Ziolkowski said he approved the Executive Committee's intention to refer this resolution to the Professional Ethics and Academic Freedom Committee for further consideration because it was a very complex and controversial subject. He introduced the following members of the Special Committee who were present: Professors Peter P. Hill, Joshua T. Schwartz, Charles S. Tidball, and Anthony M. Yezer; and ex officio members Anthony C. Coates, Carl S. Lange and Henry Solomon. After presenting a brief outline of the Committee's work, Professor Ziolkowski yielded the floor to Professor Tidball. Professor Tidball spoke in support of the Majority Report, indicating his disappointment that a Minority Report was filed. He urged the Senate not to bury the Majority Report because he did not believe anything would be accomplished by appointing a new committee to review this matter. Speaking in support of the Majority Report, Professor Schwartz said that the Committee was trying to provide some clarification and uniformity in areas of existing ambiguity in the Faculty Code and the Faculty Handbook; he also expressed his disappointment that a Minority Report was filed. Speaking to the Majority Report, Professor Hill pointed out that some of the activities within the area of conflict of interest were, in many cases, not to be absolutely proscribed or forbidden, but that prior authorization was required. Professor

- 3 Yezer, author of the Minority Report, explained the purpose of his proposed amendments to the Majority Report. He said he hoped that the Senate would not adopt a policy which was roundly disregarded by the faculty because it was unpopular or seemed to be in conflict with the basic implicit contract, which faculty have had for a number of years. One of the major problems with the Majority Report, he said, is that it provides no criteria to use in judging whether a potential conflict is an actual conflict. A discussion followed by Professors Clark, Pierpont, Levy, Griffith, Ziolkowski, Schwartz, Morgan, Eldridge, Rashid, Schiller, Garris, Robinson, Berkovich, Fox, Yezer, Deans Liebowitz and Lovett.

On behalf of the Executive Committee, Professor Griffith moved that Resolution 86/13 be referred to the Professional Ethics and Academic Freedom Committee with instructions to consider both the Majority and Minority Reports, and in particular, the two questions raised by the Executive Committee stated above. The motion was seconded.

Professor Deering recommended that, if the resolution is referred to the Professional Ethics and Academic Freedom Committee, the Committee consider the possibility of taking two tracks - (1) reviewing current policy and potential sanctions, and (2) encouraging incentives toward more research. Professor Fox asked that the minutes reflect that the intent of the Executive Committee's recommendation to refer this resolution to the Professional Ethics and Academic Freedom Committee was two-fold, i.e., first, to request the PEAFC Committee to review this entire matter and, secondly, to provide the individual faculties of the schools and college sufficient time to discuss the resolution and reports in open forum and make their recommendations to the Professional Ethics and Academic Freedom Committee before it is brought back to the Senate for a vote. Professor Griffith pointed out that if the resolution is referred to the Professional Ethics and Academic Freedom Committee, he would recommend that the Special Committee not be discharged so that it could be responsive to the standing committee in the production of a policy.

The question was called, and Resolution 86/13, with accompanying Majority and Minority Reports, was referred to the Professional Ethics and Academic Freedom Committee for review and recommendations. (Resolution 86/13 is attached; Majority and Minority Reports were mailed previously with the agenda.)

- 4 Under Introduction of Resolutions, Vice President French said that he wished to introduce a special resolution - "A Resolution of Appreciation" - to Professor William B. Griffith for his service on the Faculty Senate and as Chairman of the Executive Committee for the past three years. Vice President French read the Resolution of Appreciation and presented it to Professor Griffith who received a standing ovation. Professor Griffith thanked the Senate members. (Resolution 86/14 is attached.)

- 5 (a) On behalf of the Nominating Committee, Professor Rashid, Chair, moved the nomination for election of Professor Lilien F. Robinson (CCAS) as Chair of the Executive Committee for the 1987-88 Session. No nominations were made from the floor and Professor Robinson was unanimously elected as Chair. Professor Rashid then moved the nomination for election of Professors Raymond R. Fox (SEAS), Joseph B. Levy (GSAS), Howard C. Pierpont (Medical), George W. Smith (SEHD), Susan J. Tolchin (SGBA), and Luize E. Zubrow (Law), as the other six members of the Executive Committee. No nominations were made from the floor, and the nominees were unanimously elected.

(b) On behalf of the Executive Committee, Professor Griffith moved the nomination for election of the following faculty members to the Dispute Resolution Committee for three-year terms commencing May 1, 1987: Associate Professor Mary Ann Coffland (CCAS), Professor Harold P. Greene (Law), Professor Rudolph Hugh (Medical Center), Professor Richard W. Stephens (CCAS), and Professor Theodore G. Toridis (SEAS). The nominees were unanimously elected. Professor Griffith then asked the record to show that Professor Sims would continue as a member until the Hearing in the Lewicki matter is concluded; Professor Nash would continue as Chair until Professor Schechter returns as a member and Chair (to be approved by the Senate in September 1987); and that Professor Hsu would continue as a member until Professor Al-Doory returns in July 1987.

(c) On behalf of the Executive Committee, Professor Griffith moved the nominations for appointment by the President to the following Administrative Committees, with the following exception: Assistant Professor Holliday B. Wagner to replace Professor Charles J. Herber as a nominee for election to the Committee on Student Publications because Professor Herber will be on sabbatical leave 1987-88: Judicial System: George W. Smith (Chair), Martha A. Burns, Ormond Seavey, Presson S. Shane, and Stuart A. Umpleby; Student-Faculty Committee on Appeals: Charles

- 5 B. Craver, (Chair), L. Thompson Bowles, Vernon Coleman, and Harry E. Yeide; Marvin Center Program Board: Murli Gupta; Marvin Center Governing Board: Joseph A. Greenberg, Alan G. Wade, Jarrett M. Wise, and James L. Breen; Presidential Appeals Board: Joseph Aschheim, Jerry Wiener, Charles Shepherd, and David J. Curtis; Committee on Student Publications: Charles B. Craver, Ernest J. Englander, Beth Nolan, Charles W. Puffenbarger, Sonya Quitslund, Margaret S. Soltan, and Holliday B. Wagner.

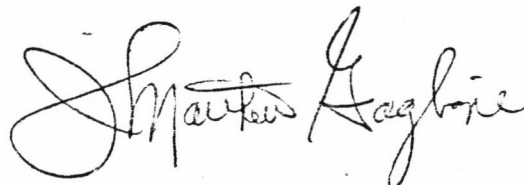
(d) On behalf of the Executive Committee, Professor Griffith reported on the following items: (1) advised the Senate that he and Professor Fox, Chair of the Special Committee on Consolidation of SPIA, and Vice President French, met with President Elliott at his invitation to discuss the matter of consultation with regard to the reconstitution of SPIA; a consensus was reached on how the process of consultation would be pursued in that the Special Committee would take up as its first order of priority the consideration of the transfer of faculty from CCAS to SPIA; if agreement is reached by the faculty concerned, then the Special Committee will make its recommendation on the transfers to the Senate as early as possible for reporting to the Board, provided that the Special Committee will be given sufficient time to consider and make recommendations on other matters relating to the reconstitution of the faculty of SPIA; (2) reported that the action for removal of a tenured faculty member was still in the discovery stage, and that a second dispute involving a complaint by a member of the medical faculty against her department was still in the informal consultation stage; (3) noted that the Employee Assistance Program was now in the final phase of development, with the search for an Executive Director nearing conclusion; (4) noted that the Faculty Luncheon for emeriti and faculty who have served 25 years will be held Wednesday, April 29th, and the Honors Convocation will be held Sunday, April 12th; (5) reported that the Joint Executive Committees would meet Friday, April 17th, to propose nominees for chairs and members of Senate Standing Committees; and (6) noted that annual reports from the Chairs of the Senate Standing Committees were due on or before May 1st, the first meeting of the new Senate Session.

Professor Griffith expressed his thanks to the outgoing Senate members and, especially, to Professor Martha Rashid, who was leaving the Executive Committee, for her splendid cooperation. He also extended his thanks to Doris Trone and Ramona Morales, Senate Office staff, for their good assistance, and he offered his best wishes to Professor Lilien Robinson, who was succeeding him as Chair of the Executive Committee.

5 (e) No Annual Reports were received.

6 Under Brief Statements, Professor Morgan noted that announcements were mailed recently about the seminar on "Financial and Tax Planning After the Tax Reform Act of 1986" to be held Saturday, May 16, 1987, in the Marvin Theater. The seminar is sponsored by the Appointment, Salary and Promotion Policies Committee in cooperation with the Development Office, and reservations can be made by contacting the Development Office, Gelman Library 701.

The meeting was adjourned at 4:25 p.m. by Vice President French upon motion made and seconded.



J. Matthew Gaglione
Secretary

Corrections 5/1/87
to add Prof. Fox's
brief statement about
Jeanne Hall elevator
problem →

A RESOLUTION TO ESTABLISH THE GEORGE WASHINGTON UNIVERSITY
OFFICE FOR SERVICE TO THE COMMUNITY (86/12)

WHEREAS, the Faculty Senate Resolution 86/5 has formally recognized the importance of service to the Washington, D.C. metropolitan area and the University's dedication to civic responsibility; and

WHEREAS, this type of service supports the Report of the Commission for the Year 2000; and

WHEREAS, it is important for the University to demonstrate its awareness of community needs by responding to requests for assistance from key agencies and organizations, both public and private, in our community; NOW, THEREFORE

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE
WASHINGTON UNIVERSITY

- (1) That the University provide the funding and staff support for the creation of The George Washington University Office for Service to the Community which will receive requests from the community for assistance and provide information and placement for interested students, faculty, administrators, staff, and alumni; and
- (2) That this University Office be placed under the Office of the Vice-President for Academic Affairs for administrative and budgetary support.

Committee on University and Urban Affairs
March 24, 1987

Adopted, April 10, 1987

(The Committee on University and Urban Affairs recommends that the Vice-President for Academic Affairs consider locating The George Washington University Office for Service to the Community in the Office of Laboratory Experiences in the School of Education and Human Development because of its proven commitment, experience, and high regard for community service, and also because it would minimize expenses.)

UNIVERSITY OFFICE FOR SERVICE TO THE COMMUNITY

First please excuse me if I repeat comments already discussed but I did prepare a statement in support of the resolution. This is an era of great change for all of us. Opportunities exist for even greater national and international visibility for the new George Washington University. This proposed University office should assist us in reaching that marker.

The Office for Service to the Community would function to provide placement information for students, faculty, administrators, staff, and alumni. Essentially it would be the clearinghouse for community needs and the catalyst for community service.

If this resolution passes, we would be institutionalizing public service, showing our belief that higher education institutions have a responsibility for promoting civic-mindedness--that we should place emphasis on the values of public service.

We would become a model for compassion, creating an even greater awareness of human problems and community needs--perhaps in some small way, a force against indifference while promoting justice.

In the late '60's, Archibald MacLeish--the poet--wrote, and I quote, "We are deluged with facts, but we have lost or are losing our human ability to feel them... and this could lead to public irresponsibility and indifference." More recently, research has indicated that the values which have demonstrated the largest decline in importance (since 1972) are those of helping others, promoting racial understanding, cleaning up the environment, participating in community-action programs, and keeping up with political affairs.

Soren Kierkegaard is quoted as saying that "life can only be understood backward--yet it must be lived forward." Our service experiences could have implications regarding social issues and voting, as well as to life outside or beyond college, as we and our students mature, reflect, and serve.

It is difficult to project those who might elect this experience at first, but the diversity of needs, as well as the multidisciplinary richness and scope of placements, should attract and appeal to individuals who want to give either direct or indirect service--there will be solid academic as well as humanistic opportunities.

Participants would respond to community needs of the other side of Washington--the hungry, homeless, elderly, abused, unemployed, victims of A.I.D.S., preliterate, and substance

abusers, to name a few.

Among the benefits to participants are contributions to the community via service, thereby gaining actual work experience desirable to prospective employers and graduate schools, in addition to the intrinsic rewards of helping.

And for others, "to apply concepts learned in the classroom and to encounter the reality that individual problems are typically multiple in causation and scope." Other supportive reasons for the genesis of an office include opportunities for students to earn the Congressional Award (800 hours of public service), Study Support (increased work-study funding to the university), and the Time College Achievement Awards. Quoting from Time magazine's issue honoring the Award recipients, "these students are looking beyond their own selves to the world at large." The Middle States Accreditation, as well as other accreditation boards, are concerned with a university's service to the community.

We have not--at least as of 1:50 p.m. today--devised an evaluation measurement for service activities. (At least I'm not familiar with a service transducer to measure the precise quantitative results of service.) I'm not saying that it's the key to nirvana, but a few of the personal changes and benefits as reported by students (graduate and undergraduate) include:

-increased interpersonal effectiveness

- developed ability to set and reach goals
- developed awareness of the breadth and depth of human problems
- increased maturity with a sense of service and responsibility appropriate to their developmental needs
- enhanced self-exploration--in terms of the participant's moral, social, and inner lives
- heightened awareness of the differences between academia and the world of work
- enhanced opportunities for application of the intellectual habits and studies of the participant to the service site

Finally, the dominant reason I support this resolution is that we really care. We are saying that we are a great institution--an institution with a heart. We have a splendid opportunity to further develop and support the intellectual and emotional growth of our University community.

A final comment is in order, and I quote from Frank Trippett. "The future does not exist except as a concept, a cosmic wisp of possibility. How people view it can make a big difference. What befalls society around the bend in the river will not come hurling out of space (weather excepted) but will have arisen out of today. The highest prudence consists not of looking ahead but of giving the best care to the burgeoning, and for better or worse, fruitful moment at hand." The "fruitful moment" is aptly captured in a setting in which active, problem-applicable learning and service is possible. It's time to turn our moment into action. Please support this resolution.

Thank you.

A RESOLUTION TO ENDORSE THE REPORT OF THE SPECIAL COMMITTEE
ON CONFLICT OF INTEREST (86/13)

WHEREAS, a Special Committee was established in accordance with SR 85/10 to make recommendations regarding a University policy on conflict of interest; and

WHEREAS, this Special Committee was charged to review the previous proposals of the Bowles Committee and consider administrative objections to these proposals, as well as to examine parallel efforts at other universities to establish conflict of interest policies; and

WHEREAS, this Special Committee has prepared its report after working on it over the past twelve months and would like to be discharged; and

WHEREAS, it is in the best interest of The George Washington University to have a policy of conflict of interest; NOW, THEREFORE,

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

I. That the Senate endorses the recommendations of the Special Committee on Conflict of Interest, in particular:

- (1) the Introductory Statement and Sections A (The Role of Faculty) and B (Conflicts of Interest);
- (2) Section C (Activities Requiring Authorization);
- (3) Section D (Abuse of Faculty Position); and
- (4) Section E (Reporting Requirements).

II. That the Senate further recommends that, upon approval by the President, language reflecting these policies be added to the Faculty Handbook or that these policies be printed as a separate Conflict of Interest pamphlet for periodic distribution to the faculty.

The Special Committee on Conflict of Interest
March 13, 1987

Referred April 10, 1987, to the Professional Ethics and Academic Freedom Committee for recommendations

MEMO

TO: Members of the Faculty Senate, and Others

FROM: John F. Banzhaf III, Professor of Law, PHONE 676-7229

RE: HOW "CONFLICT OF INTEREST" REPORT CONFLICTS WITH FACULTY CODE

The regulations proposed in the report of the Conflict of Interest Committee appear to conflict with both the spirit and the letter of the Faculty Code, particularly with regard to the protections of tenure, freedom of speech, and the closely-related freedom of association. The following examples, among others, illustrate these conflicts.

I. TENURE - Tenure is designed to protect faculty members from adverse action unless evidence demonstrates their "incompetence, lack of scholarly objectivity or integrity, persistent neglect of professional responsibilities . . . , or gross personal misconduct . . ." [p. 11]. Yet the proposed regulations provide that a faculty member who engages in any one of eight enumerated acts without a dean's permission is -- without more -- guilty of a "conflict of interest."

If being guilty of a "conflict of interest" is, by itself, not to serve as the basis for disciplinary action -- i.e., if the University would still have to demonstrate that the conflict of interest led to a lack of scholarly objectivity or persistent neglect of professional responsibilities -- then the proposed regulations would be unobjectionable, but also probably ineffectual. On the other hand, if a faculty member could be dismissed for engaging (without permission) in any of these acts without any proof that it affected his or her responsibilities under the Code -- and in the face of the Boyer-Lewis finding that "the available evidence clearly suggests that those faculty who consult are, on average, at least as active in their other faculty roles as their peers who do not consult" -- then the protections of tenure established by the Trustees would seem to be circumvented.

II. SPEECH AND ASSOCIATION - Many faculty members join or consult with organizations because they want to discuss matters of common concern with other members, or because they wish to be able to speak out on public issues with a stronger voice by using the organization as the spokesperson. The Code guarantees that right so long as the views are not attributed to the University [p.3].

Yet the proposed regulations would require faculty members to list all nonprofit organizations of which they are officers, and all organizations which they advise. This can clearly inhibit the freedom of association, and the related freedom of speech, if the listing of the organization may tend:

OVER PLEASE

1. to violate a person's personal privacy (e.g., organizations of homosexuals, those with AIDS or Herpes, battered wives or rape victims, etc.);
2. to displease a dean or departmental colleagues (e.g., organizations of socialists, Accuracy in Academia, etc.);
3. to give rise to student and/or public criticism or ridicule (e.g., groups opposing disinvestment or even favoring apartheid, the National Rifle Association, and many others depending on shifting public moods); or even
4. to create real personal dangers (e.g., groups of emigrants or nationals from certain repressive countries).

III. OTHER ALLEGED CONFLICTS - Once we establish the general principle that a faculty member may be disciplined not only for dereliction of professional responsibilities, but also for engaging in activities which "represent potential conflicts of interest" even if his or her professional responsibilities are fully carried out, we embark upon a slippery slope where other activities which seem to have at least the same potential for conflict may well be added.

For example it is common knowledge that running for public office usually consumes far more time than a 10-hour-per-week consulting contract, and requires moderating one's position on many questions involving issues of science and other disciplines. Likewise, serving as an unpaid key campaign aide, speechwriter, consultant, etc. to a major political candidate can require tremendous amounts of time, and speaking or publishing views which conflict with the candidate's can create serious problems. Shouldn't both of these activities (and perhaps others) -- now fully protected by the Code so long as professional responsibilities are met -- be added to the list of potential conflicts of interest; and/or what guarantee is there that they will not be added in the future?

IV. OUTSIDE RESEARCH - The Code provides that "a faculty member shall enjoy freedom of investigation subject only to legal restrictions and such guidelines as shall be recommended by the Faculty Senate and adopted by the University" [p. 3]. Yet under the proposed regulations a faculty member apparently may not -- even on his or her own time, and even within the "one day per week" exclusion -- participate (except as a consultant) in a research proposal or contract, or even submit such a proposal, except through the Sponsored Research Office or with the permission of the Dean. Even putting aside for a moment the major question of what business a university has in determining what research a faculty member may do on his or her own time, the Deans apparently may grant or deny the request based upon their own notions of propriety (or even for abusive or improper reasons) although the Code says the limits must be based upon "guidelines" recommended by the Senate.

A RESOLUTION OF APPRECIATION (86/14)

WHEREAS, William B. Griffith has earned the respect and gratitude of the entire University community; and

WHEREAS, his term of service on the Executive Committee of the Faculty Senate has reached its statutory limit; therefore

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

That the following citation be issued:

In recognition of his contributions to The George Washington University during twenty-three years of service to his students and colleagues as Assistant Professor, Associate Professor, and Professor of Philosophy, and as Chairman of the Department of Philosophy;

In recognition of his thoroughness, patience, and objectivity in resolving complex issues faced by this academic community; and

Especially in recognition of his dedicated service for fourteen years on the Faculty Senate, including five years as Chairman of the Professional Ethics and Academic Freedom Committee, and three years as Chairman of the Executive Committee:

THE FACULTY SENATE

OF

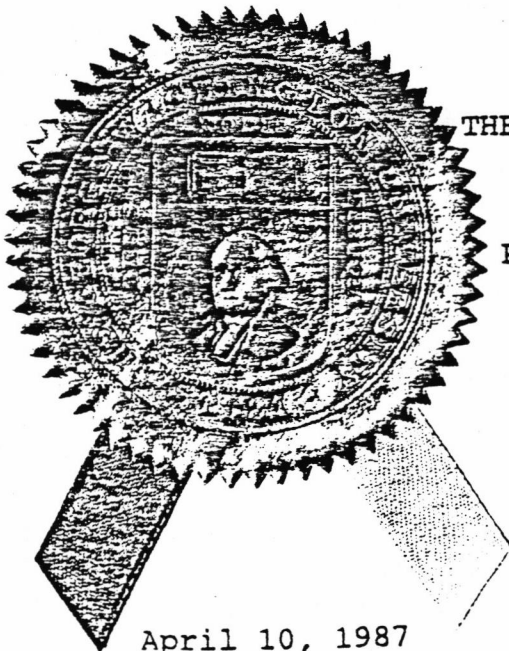
THE GEORGE WASHINGTON UNIVERSITY

CITES

PROFESSOR WILLIAM B. GRIFFITH

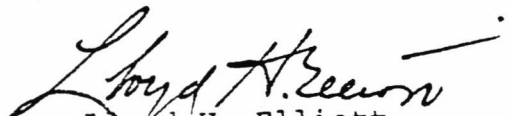
FOR

DISTINGUISHED SERVICE



April 10, 1987

Adopted by acclamation April 10, 1987


Lloyd H. Elliott
President

THE GEORGE WASHINGTON UNIVERSITY
Washington, D. C.
20052

The Faculty Senate

March 30, 1987

The Faculty Senate will meet on Friday, April 10, 1987, at 2:10 p.m., in Lisner Hall 603.

AGENDA

1. Call to order
2. Approval of the Minutes of the regular meeting of March 13, 1987
3. Resolutions:
 - (a) A RESOLUTION TO ESTABLISH THE GEORGE WASHINGTON UNIVERSITY OFFICE FOR SERVICE TO THE COMMUNITY (86/12); Professor Ruth A. Wallace, Chair, Committee on University and Urban Affairs (Resolution 86/12 attached.)
 - (b) A RESOLUTION TO ENDORSE THE REPORT OF THE SPECIAL COMMITTEE ON CONFLICT OF INTEREST (86/13) with Majority and Minority Reports; Professors John E. Ziolkowski and Nozer D. Singpurwalla, Co-Chairs (Resolution 86/13 with Reports attached.)*
4. Introduction of Resolutions
5. General Business:
 - (a) Nomination for election of the following nominees to the Executive Committee for the 1987-88 Session proposed by the Nominating Committee, Professor Martha N. Rashid, Chair: Professor Lilien F. Robinson (CCAS), as Chair; Professor Raymond R. Fox (SEAS), Professor Joseph B. Levy (GSAS), Associate Professor Howard C. Pierpont (Medical), Professor George W. Smith (SEHD), Professor Susan J. Tolchin (SGBA), and Professor Luize E. Zubrow (Law), as the other six members
 - (b) Nomination for election of five faculty members to the Dispute Resolution Committee for a three-year term commencing May 1, 1987

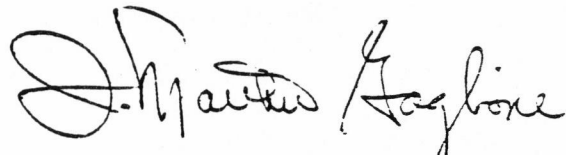
*NOTE: The Executive Committee intends to move that Resolution 86/13 be referred to the Professional Ethics and Academic Freedom Committee for recommendations.

5. General Business: (continued)

- (c) Nomination for appointment by the President to the following Administrative Committees: Judicial System: George W. Smith (Chair), Martha A. Burns, Ormond Seavey, Presson S. Shane, and Stuart A. Umpleby; Student-Faculty Committee on Appeals: Charles B. Craver, (Chair), L. Thompson Bowles, Vernon Coleman, and Harry E. Yeide; Marvin Center Program Board: Murli Gupta; Marvin Center Governing Board: Joseph A. Greenberg, Alan G. Wade, Jarrett M. Wise, and James L. Breen; Presidential Appeals Board: Joseph Aschheim, Jerry Wiener, Charles Shepherd, and David J. Curtis; Committee on Student Publications: Charles B. Craver, Ernest J. Englander, Charles J. Herber, Beth Nolan, Charles W. Puffenbarger, Sonya A. Quitslund, and Margaret S. Rapp
- (d) Report of the Executive Committee: Professor William B. Griffith, Chair
- (e) Annual Reports of Senate Standing Committees (due on or before May Senate meeting)

(6) Brief Statements

(7) Adjournment



J. Matthew Gaglione
Secretary

A RESOLUTION TO ESTABLISH THE GEORGE WASHINGTON UNIVERSITY
OFFICE FOR SERVICE TO THE COMMUNITY (86/12)

WHEREAS, the Faculty Senate Resolution 86/5 has formally recognized the importance of service to the Washington, D.C. metropolitan area and the University's dedication to civic responsibility; and

WHEREAS, this type of service supports the Report of the Commission for the Year 2000; and

WHEREAS, it is important for the University to demonstrate its awareness of community needs by responding to requests for assistance from key agencies and organizations, both public and private, in our community; NOW, THEREFORE

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

- (1) That the University provide the funding and staff support for the creation of The George Washington University Office for Service to the Community which will receive requests from the community for assistance and provide information and placement for interested students, faculty, administrators, staff, and alumni; and
- (2) That this University Office be placed under the Office of the Vice-President for Academic Affairs for administrative and budgetary support.

Committee on University and Urban Affairs
March 24, 1987

(The Committee on University and Urban Affairs recommends that the Vice-President for Academic Affairs consider locating The George Washington University Office for Service to the Community in the Office of Laboratory Experiences in the School of Education and Human Development because of its proven commitment, experience, and high regard for community service, and also because it would minimize expenses.)

A RESOLUTION TO ENDORSE THE REPORT OF THE SPECIAL COMMITTEE
ON CONFLICT OF INTEREST (86/13)

WHEREAS, a Special Committee was established in accordance with SR 85/10 to make recommendations regarding a University policy on conflict of interest; and

WHEREAS, this Special Committee was charged to review the previous proposals of the Bowles Committee and consider administrative objections to these proposals, as well as to examine parallel efforts at other universities to establish conflict of interest policies; and

WHEREAS, this Special Committee has prepared its report after working on it over the past twelve months and would like to be discharged; and

WHEREAS, it is in the best interest of The George Washington University to have a policy of conflict of interest; NOW, THEREFORE,

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

I. That the Senate endorses the recommendations of the Special Committee on Conflict of Interest, in particular:

- (1) the Introductory Statement and Sections A (The Role of Faculty) and B (Conflicts of Interest);
- (2) Section C (Activities Requiring Authorization);
- (3) Section D (Abuse of Faculty Position); and
- (4) Section E (Reporting Requirements).

II. That the Senate further recommends that, upon approval by the President, language reflecting these policies be added to the Faculty Handbook or that these policies be printed as a separate Conflict of Interest pamphlet for periodic distribution to the faculty.

The Special Committee on Conflict of Interest
March 13, 1987

REPORT
of the Committee on
Conflict of Interest

INTRODUCTORY STATEMENT

Acknowledging the fact that the committee has had to confront the delicate issue of deciding what can or cannot be properly undertaken as professional activity -- and thus producing "regulations" -- it is anxious to establish at the outset its commitment to the idea that a variety of types of research funding as well as cooperative research in the private and governmental sector, given appropriate safeguards, is wholly to be encouraged. The University is urged to explore various avenues for professional development, including entrepreneurial and consulting activities, so long as such activities do not conflict with the basic role of the professor in teaching, research and University or community activities.

In its deliberations as to what would constitute a conflict of interest between a full-time faculty member (hereinafter referred to as "faculty member" or "faculty members" and the University, the committee undertook the following:

- (A) To examine and define the expected role of a faculty member.
- (B) To define broadly a conflict of interest in the context of a faculty member's expected role.
- (C) To identify activities with a clear potential for conflict which require prior consultation and authorization.
- (D) To identify certain activities which if engaged in by a faculty member could constitute an abuse of the faculty member's position.
- (E) To list certain activities to be included in the faculty member's annual report.

A. THE ROLE OF FACULTY

It is the consensus of the committee that the role of a faculty member at this institution has two primary functions:

- (1) To pursue research, the results of which are to be communicated openly in meetings, expositions, recitals, journals, books or in other appropriate media according to discipline. Where appropriate, students should collaborate, sharing in the evolution of this work with a view to fulfilling their own research potential and

professional skills, (2) To teach the faculty member's discipline to students, instilling in them not only factual knowledge, but the necessary methods to obtain and synthesize this knowledge, a critical faculty and standards of integrity and excellence.

The balance between teaching and research shall be determined by the inclination and attributes of the professor adapted to the needs of the department or school.

In addition to these academic roles, a faculty member should also contribute to the administrative, ceremonial or extra curricular activities of the University. This contribution may extend to work involving the relationship of the University to its environment. The extent of these activities will vary considerably in relation to the experience, academic position and personal inclination of the faculty member.

B. CONFLICTS OF INTEREST

It is the further consensus of the committee that a conflict of interest in the expected role of a faculty member could arise in any situation in which financial or any other personal interests of a faculty member may compromise or call in question:

1. The objectivity of a faculty member as a scholar.
2. The appropriate fulfillment of the faculty member's role as a teacher and/or researcher.
3. The adequate performance of the faculty member's other obligations, assumed as a faculty member to the University.

C. ACTIVITIES REQUIRING AUTHORIZATION

It is the further consensus of the committee that the following activities clearly represent potential conflicts of interest with the expected role and duties of a faculty member and therefore require consultation with and the written authorization of the dean of the faculty member's particular school (or the dean's appointed representative) prior to being undertaken. Where such written authorization is obtained, a copy shall be forwarded for informational purposes to the Office of the Vice-President for Academic Affairs. If the faculty member's request is denied, the dean will provide prompt written justification for the denial, and the faculty member may appeal this rejection in writing to the Vice President for Academic Affairs.

Failure to engage in prior consultation and to obtain the prior written authorization of the faculty member's dean is inconsistent with the expected role and duties of the faculty member and constitutes a conflict of interest.

1. Holding a regular appointment outside the University during the academic year as defined in the faculty member's contract.
2. Teaching a course (including a training program) at another institution or organization during the academic year as defined in the faculty member's contract. In the case of teaching at another institution (excluding a training program) the authorization of the Vice-President for Academic Affairs must also be obtained.
3. Engaging in external professional activity with pay in excess of stated University policy. "External professional activity for pay" as used herein shall include any activity that (a) is performed for an entity other than a unit of the George Washington University; (b) is based upon the professional knowledge, experience, and abilities of the faculty member; and (c) is undertaken for compensation to the individual (beyond the payment of a nominal honorarium or reimbursement for expenses or both). Where applicable, stated University policy is one day per week and is normally computed as 8 hours per week during the academic year as defined in the faculty member's contract. This restriction shall be applicable only during the academic year as defined in the faculty member's contract.
4. Undertaking research upon terms that require that the results of the study be held confidential or unpublished. This provision shall not apply to the "external professional activity" in which the faculty member is permitted to engage during the "one day per week" exclusion.
5. Conducting research upon terms that constrain the investigator to produce or suppress particular findings or to give support to a particular conclusion or policy. This provision shall not apply to the "external professional activity" in which the faculty member is permitted to engage during the "one day per week" exclusion.
6. Participating, except as a consultant, in a research proposal or research contract outside of the auspices of the University's Office of Sponsored Research.
7. Submitting a proposal for sponsored research independently of the University's Office of Sponsored Research.
8. Engaging in sponsored research at the University under the auspices of or with the support of a business entity in which the faculty member or a family member holds a financial interest or serves as an officer, director, shareholder, employee or consultant.

D. ABUSE OF FACULTY POSITION

It is the consensus of the committee that certain conduct by faculty can constitute an abuse of the faculty member's privileged position in the University. The following items have been identified as capable of abuse by faculty and in connection with each of these the committee would require the stated appropriate action.

All faculty members during the entire calendar year are expected to exercise an arms-length, hands-off relationship with their students and not view them as targets of business opportunities.

1. Valuable gifts or favors. A faculty member may not accept valuable gifts or favors from students or others who are in a position to gain any benefit from a faculty member's obligation.
2. University resources and facilities. The position of a faculty member carries access to a variety of University facilities and services. These include, but are not necessarily limited to, research assistants, secretarial services, computer facilities, laboratory materials and equipment, photocopying, and telephone usage. In many cases, the university has set up formal procedures which allow faculty members to compensate the University for use of these facilities for activities related to the faculty member's external remunerative or entrepreneurial activity. It is the responsibility of faculty members to inform responsible university officials of such use of facilities and services, secure permission for their use, and pay compensation set by the University. Procedures for arranging compensation should be arranged by the University and made apparent to faculty. Failure of faculty to reveal their use and pay compensation is an abuse of faculty privilege.
3. Student employment. A faculty member may not employ or arrange to employ a student over whom the faculty member has or should reasonably expect to have academic control in the faculty member's remunerative and entrepreneurial activity.
4. Faculty employment. A faculty member may not enter into any employee relationship with a student over whom a faculty member has or should reasonably expect to have academic control.

E. REPORTING REQUIREMENTS

It is the further consensus of the committee that the following activities and relationships are sufficiently related to the scope of obligations assumed by the faculty member to the University to warrant their inclusion in the faculty member's annual report. All activities listed above which require prior approval will also be itemized in the annual report. Except where one of the above provisions refers to the calendar year, the annual reporting requirement refers to activities undertaken during the academic year as defined in the faculty member's contract.

1. A description of any private entrepreneurial activity engaged in by the faculty member as a sole entrepreneur.
2. A description of any partnership entrepreneurial activity engaged in by the faculty member and a description of the partnership's business purpose.
3. A listing of the offices held in any and all profit or non-profit corporations and the faculty member's duties with respect to holding those offices.
4. A listing of the corporations, partnerships or associations whether profit or non-profit for which the faculty member acts as a consultant or advisor.

Members of the Special Committee on Conflict of Interest:

Peter P. Hill (Columbian College)
Michael J. Jackson (Medical Center)
Daniel R. Kane (SGBA)
Joshua I. Schwartz (Law Center)
Nozer D. Singpurwalla, Co-Chair (SEAS)
Charles S. Tidball (Medical Center)
Anthony M. Yezer (Columbian College)
John E. Ziolkowski, Co-Chair (Columbian College)

(ex officio members)

Roderick S. French, represented by Anthony G. Coates
Carl S. Lange
Henry Solomon

March 13, 1987

March 23, 1987

TO: Faculty Senate Executive Committee
FROM: Tony Yezer
RE: Minority Report On Conflict Of Interest

This minority report will generally be structured as a series of proposed amendments to the resolution reported out by the Special Committee on Conflict of Interest (hereafter the CCI) of which I was a member. Given the number and extent of problems, particularly omissions, which I see with the resolution proposed by the committee, perhaps the wisest action for the Senate would be to appoint a new committee with more detailed instructions.

Before recommending specific amendments to the substantive portion of the resolution, I would offer some specific observations on the charge of the CCI as stated in the second "whereas" clause. The CCI had at its disposal the report And on the Seventh Day: Faculty Consulting and Supplemental Income by Carol M. Boyer and Darrell R. Lewis (Report 3, ASHE-ERIC Higher Education Reports 1985, Clearing House on Higher Education, The George Washington University). Because the resolution seems to draw little from this comprehensive study of Conflict of Interest, or from the Bowles Committee Report, I have undertaken to list the main findings of the "Seventh Day" Report which is itself a summary of several studies of faculty consulting and Conflict of Interest. The major findings in the executive summary are:

- 1) "faculty who consult for pay are more likely to be employed in universities than in colleges, to hold higher academic rank, to have higher base salaries, to be among the more distinguished faculty, and to be from one of the professional fields or the sciences." pg. v.
- 2) "contrary to conventional wisdom, faculty consulting does not appear to be increasing appreciably even though real faculty salaries have significantly declined in the past decade or so." pg. v.
- 3) "The available evidence clearly suggests that those faculty who consult are, on average, at least as active in their other faculty roles as their peers who do not consult." "In short, it seems that faculty who do consult do so not at the expense of their other institutional responsibilities." pg v. 4) "In fact, it appears that most faculty are motivated by other important factors (other than monetary), such as potential benefits to their careers, potential benefits to their instruction and research, and social demand." pg. vii
- 5) "in some institutions the policies and procedures are unnecessarily restrictive and even unmanageable. In sum, more explicit and carefully developed institutional policies and procedures governing faculty consulting and other activities producing supplemental income clearly are in order." pg vii.

This fifth point is supported by a detailed analysis on pages 45-58. Where policies exist they generally lack realistic monitoring procedures, enforcement, or sanctions. For example, with regard to provisions for prior approval, the report states that:

"such approval must be obtained from the department head and/or dean, although in many institutions faculty members did not follow this procedure closely or administrators enforce it." pp 51-52.

My own inquiries indicate that, at other universities, the level of faculty awareness of and compliance with conflict of interest policies falls well below official standards of the stated policy.

Proposed Amendments To The Resolution:

- 1) In I. 1) Under B. "CONFLICTS OF INTEREST"
Eliminate "or any other personal"
- 2) In I. 2) (Section C) First Paragraph between "consultation" and "with"
insert "using a standard form developed for the purpose"
- 3) In I. 2) (Section C) First Paragraph
add to end of last sentence "who shall appoint a committee of faculty to deal with such appeals."
- 4) In I. 2) (Section C) Item 2.
eliminate "(including a training program)", change "institution or organization" to "college or university" and drop "In the case of teaching at another institution (excluding a training program)"
- 5) In I. 2) (Section C) Items 4, 5, 6, and 7.
eliminate Items 4, 5, 6, and 7 and renumber item 8 as item 4.
- 6) In I. 2) (Section C) after renumbered item 4
insert Item 5. "Serving as an executive officer of a corporation."
- 7) In I. 2) (Section C) after new item 5
insert new item 6. "Accepting valuable gifts or favors from students or the immediate family of students over whom the faculty member has or should reasonable expect to have academic control."
- 8) In I. 3) (Section D)
eliminate second paragraph "All faculty...business opportunities."
eliminate items 1, 3, and 4.
- 9) In I. 4) (Section E) after item 4
add as item 5. "A listing of proposals, whether for research grants or contracts, and whether submitted for potential public or private funding, on which the faculty member's name appeared in any capacity."
- 10) In I. 4) (Section E) after new item 5 above
add as item 6. "A listing of all outside lecturing, tutoring, or training programs conducted for pay."
- 11) In I. 4) (Section E) after new item 6 above.
Faculty members are obligated to make a complete and factual disclosure of activities under the annual reporting requirement and appropriate forms should be developed for this purpose. These annual reports should be reviewed promptly by deans and faculty members given written reports of their state of compliance with conflict of interest. In the case of an unfavorable report, faculty may submit a written reply which would be added to the report before any unfavorable action was taken in connection with possible conflict of interest violations.
- 12) Add new point to the resolution after I.E.

I. F. (Section F)

FACTORS LIKELY TO MITIGATE A POTENTIAL CONFLICT OF INTEREST SITUATION

In considering a request made by a faculty member under conflict of interest regulations, the following factors favoring the request should be considered.

1. If the proposed professional activity will result in research or other scholarly activity which is unconstrained in its conclusions and fully disclosed.
2. If the proposed professional activity results in scholarly products or high quality including books, articles, performances, lectures, exhibitions, etc.
3. If the proposed professional activity could not easily be done through the auspices of the George Washington University because of facilities limitations, access to data, etc.